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through partnership

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January 28, 2021

**Via ECF**

Honorable Louis L. Stanton  
United States District Court for the Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: *Dresser-Rand Co. v. Petróleos de Venezuela, S.A., et al*, No. 19-cv-02689-LLS**

Dear Judge Stanton:

We represent plaintiff Dresser-Rand Company ("D-R") in the above-referenced action. We write in response to non-party Red Tree Investments, LLC's ("Red Tree") letter dated January 25, 2021 (ECF No. 104), in which Red Tree requests a pre-motion conference to address Red Tree's application to intervene in the instant action for the sole purpose of modifying the Stipulated Confidentiality And Protective Order ("Protective Order") so-ordered by the Court on September 25, 2019 (ECF No. 41). Red Tree seeks to modify the Protective Order to allow Red Tree access to discovery that defendants Petróleos de Venezuela and PDVSA Petróleo S.A. (together, "Defendants") obtained from non-party Deutsche Bank Trust Co. Americas ("Deutsche Bank") in this action.

As we understand the application, Red Tree would like access to the Deutsche Bank discovery for purposes of using it in two separate actions pending before Judge Nathan styled *Red Tree Investments, LLC v. Petróleos de Venezuela, S.A., et al.*, 19-cv-2519 & 2523 (the "Red Tree Actions"). As a threshold matter, D-R is not a party to or otherwise involved in the Red Tree Actions, and thus will not take a position as to the propriety of Red Tree's application given Defendants' pending discovery motions pursuant to Federal Rule of Civil Procedure 56(d) in those actions.

To the extent Red Tree's application is deemed permissible by the Court, and subject to the consent of Defendants and Deutsche Bank, D-R does not object to Red Tree's requested modification of the Protective Order to allow Red Tree to access the policies and procedures produced by Deutsche Bank in this action. D-R, however, will not consent to Red Tree's access to confidential transaction documents involving D-R, as there appears to be no legitimate basis for Red Tree to have access to such documents.

Finally, D-R reserves the right to object to any motion brought by Red Tree on both procedural and substantive grounds, if and when a motion is filed as, among other things, D-R does not believe a motion to intervene is necessary or proper under these circumstances. D-R also reserves its rights under the Protective Order. We thank the Court for its time and attention to this matter.

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Respectfully submitted,

*/s/ Jordan W. Siev*

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JWS:sa

cc: All Counsel of Record (*via ECF*)  
Allan Taffet, Esq. (*via email*)